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SENSITIVE
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SUBJECT: ASSESSMENT OF U.S. ENTRY INTO THE HUMAN RIGHTS COUNCIL -
12TH SESSION

SENSITIVE BUT UNCLASSIFIED - PLEASE HANDLE ACCORDINGLY

Summary

11. (SBU) The 12th Human Rights Council Session -- the first with the U.S. as a member -- concluded on October 2. Feedback on U.S. participation was positive, with many delegations noting our efforts to creatively address historically divisive issues, such as freedom of expression, country mandates, and economic, cultural and social rights. The session's results indicate that we shifted the dynamics in a positive way. We had particular success in changing the terms of the debate and in breaching some of the cross-regional divides that characterized the freedom of expression discussions to date. We also negotiated significant changes in resolutions, removing objectionable language, to allow us to join consensus. The score sheet is not perfect, as witnessed by the passage of a Russian resolution on traditional values and several Cuban resolutions. The Council also remains politically charged, as evidenced by the special session on the situation in East Jerusalem and the Goldstone report, happening less than 2 weeks after the deferral of the resolution during the 12th session. End Summary.

Key Outcomes

12. (SBU) Although the press readouts from the session heavily focused on the deferral of the Goldstone report, the freedom of expression (FOE) resolution dominated much of the session's attention. Reactions ranged from shock to admiration that Egypt and the U.S. could agree to a text and run the resolution jointly. In the end, our efforts to build on the President's Cairo speech earned us a great deal of praise from Organization of the Islamic Conference (OIC) members as well as those who often play the middle (GRULAC, African Group, some Asian states). Our efforts to seek consensus on a divisive issue that has long plagued the Council also won kudos from Russia, Brazil, India and China, as well as our traditional WEOG partners. The specific language reflected, however, continued to pose concerns for - and prevent co-sponsorship by - our EU colleagues, who believed that absence of references to "individuals" in the context of religious and racial stereotyping would provide greater leverage to advocates of the concept of defamation of religions. However, given the large number of cross regional co-sponsors of the text, the FOE resolution will likely serve as a basis for future discussions of the topic.

13. (SBU) Other notable results this session include: renewal of country mandates on Somalia, Burundi, and Cambodia; creation of a new country mandate on Honduras; establishment of a panel to review legal discrimination against women; and a consensus resolution on the detention of Aung San Suu Kyi in Burma. The Somali Ambassador was particularly proud to earn U.S. co-sponsorship of his text and offered to speak publicly and positively about the constructive role the U.S. took. We were able to negotiate sufficient substantive changes to texts, allowing us to join consensus on all but five resolutions. Our leadership and expertise on health and legal

issues allowed us to significantly improve resolutions on HIV/AIDS, access to medicines, civilians in armed conflict, 2011 review, and economic social and cultural rights. In the end, the U.S. cosponsored 14 of the session's 32 resolutions.

¶4. (SBU) Possibly the worst outcome was the Russian resolution on traditional values. We were very close to agreeing on language that would have placed the resolution in a human rights legal framework. However, the Council was unable to achieve consensus, at which point Russia reintroduced its original draft with its undefined concept of "traditional values," which could be anything from homophobia to female genital mutilation. The resolution passed by a vote (26Y, 15N, 6A). Other undesirable outcomes were the Cuban resolutions on international solidarity and foreign debt, and the NAM resolutions on the right to development and coercive measures. That said, we were able to enlist a large number of supporting votes on right to development and traditional values resolutions. See full list of resolutions at bottom.

How Others Viewed U.S. Presence

¶5. (SBU) Likeminded delegations, such as Canada, France, Sweden, Chile, Australia, Mauritius, and others told us they thought the 12th session was the most successful in memory and that the U.S. presence had made the difference. They said they felt we had put the anti-human rights groupies on the defensive. They particularly applauded the number of country resolutions and the success of the resolution on equal treatment before the law. They attributed many of these successes to U.S. lobbying of other delegations and in capitals. On multiple occasions, key African and Arab delegations discreetly asked us to intervene with other members of their groups

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to promote outcomes that we supported. Those partnerships helped stave off attempts to sidetrack several of our priority resolutions.

¶6. (SBU) Delegations from the OIC were displeased with the deferral of the Goldstone resolution, which they largely attributed to USG pressure on the Palestinians. That said, they appreciated our efforts to negotiate with the Palestinians and lauded the U.S. approach to the Muslim world via our efforts on the Council. The traditionally critical Algerian Ambassador publicly commended the USG for its new approach. Although not openly spoken, it appeared that a number of unfriendly delegations were concerned that the U.S. presence risked challenging their past dominance of the Council, South Africa chief among them.

Comment

¶7. (SBU) We largely succeeded in convincing the full range of delegations that the U.S. is taking a constructive approach to the work of the Council. Building on that perception, we were able to leverage support many of our priorities. We were also successful in lobbying key African and Arab delegations when most needed. In that sense, we have achieved a more cautious approach by some traditional hardliners, who have been able to manipulate the Council to suit their needs. That said, we cannot suggest that the current session's successes represent any wholesale changes in the HRC. The reversal of the decision to postpone the Goldstone resolution and the dynamics around the call for a special session illustrate that delegations remain deeply divided on these issues. Moreover, we will face difficult battles in the upcoming Ad Hoc Committee on Complementary Standards, which could substantively pit us against many of the OIC countries that lauded our approach in the last HRC session. Nothing will be easily won, but at least the 12th session was a positive tic in our favor. We will seek to build momentum from that session in our efforts to improve the work of the Human Rights Council. End comment.

Resolutions this Session

¶8. (U) Below is the list of resolutions addressed this session,

with name of main sponsors and status of passage.

- Missing Persons. Main sponsor: Azerbaijan. Adopted without a vote.
- Regional Human Rights Mechanisms. Main sponsors: Belgium, Mexico, Azerbaijan, Senegal. U.S. cosponsored. Adopted without a vote.
- Mechanism on Discrimination Against Women/Equality Before Law. Main sponsors: France, Colombia. Adopted without a vote.
- Toxic Wastes. Main sponsor: Cote d'Ivoire (Africa Group). Adopted without a vote.
- Coercive Measures. Main sponsor: Egypt (NAM). U.S. called a vote and voted against (32Y, 14N, 0A).
- Right to Development. Main sponsor: Egypt (NAM). U.S. called vote and abstained (33Y, 0N, 14A).
- Independence of Judges and Lawyers. Main sponsor: Hungary. U.S. cosponsored. Adopted without a vote. 75 cosponsors.
- Cooperation with the UN/"Reprisals." Main sponsor: Hungary. Adopted without a vote. 59+ cosponsors.
- World Programme for Human Rights Education. Main sponsors: Costa Rica, Italy, Morocco, Slovenia, Philippines, Senegal and Switzerland. U.S. cosponsored. Adopted without a vote.
- Declaration on Human Rights Education. Main sponsors: Costa Rica, Italy, Morocco, Slovenia, Philippines, Senegal and Switzerland. U.S. cosponsored. Adopted without a vote.
- Goldstone Report Followup. Main sponsor: OIC, NAM, African Group, Arab Group (Palestine). Deferred.
- Strengthening Respect for Human Rights (Traditional Values). Main sponsor: Russia. EU called vote, US voted against (26Y, 15N, 6A).
- Freedom of Expression. Main sponsors: U.S., Egypt, with nearly 50 co-sponsors. Adopted without a vote.
- Armed Conflict. Main sponsor: Egypt. Adopted without a vote.
- Migrants. Main sponsor: Mexico. Adopted without a vote.
- People with Leprosy. Main sponsor: Japan. U.S. cosponsored. Adopted without a vote.
- SR for Cambodia. Main sponsor: Japan. U.S. cosponsored. Adopted without a vote.
- Water- Sanitation. Main sponsors: Germany and Spain. U.S. cosponsored. Adopted without a vote with over 50 cosponsors
- HR and International Solidarity. Main sponsor: Cuba. EU called vote, US voted no (33Y, 14N)
- Followup to SS on Food Crisis. Main sponsor: Cuba (NAM). Adopted without a vote. U.S. provided strong EOP.
- Foreign debt. Main sponsor: Cuba. EU called vote, US voted no (31Y, 13N, 2A).
- Access to medicines. Main sponsor: Brazil. Adopted without a vote. U.S. provided strong EOP.

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- HIV/AIDs positive persons. Main sponsor: Brazil. Adopted without a vote.
- Follow up to special session on Financial crisis. Main sponsor: Brazil. Adopted without a vote.
- Transitional Justice. Main sponsor: Switzerland. Adopted without a vote.
- Right to Truth. Main sponsor: Argentina. Adopted without a vote.
- HRC 2011 Review. Main sponsor: Russia. Adopted without a vote
- Somalia. Main sponsor: Nigeria (African Gp). Adopted without a vote.
- Extreme Poverty. Main sponsors: France, Australia. Adopted without a vote.
- Honduras. Main sponsor: Colombia for GRULAC. Adopted without a vote.
- Burma (ASSK trial). Main sponsor: Sweden (EU). U.S. cosponsored. Adopted without a vote.

GRIFFITHS